

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

THOMAS TURNER,

Defendant.

CASE NO. CR05-355C

ORDER

This matter having come before the Court on the Defendant's Motion to Continue Trial Date (Dkt. No. 31) and the Government's Response (Dkt. No. 34) indicating its nonopposition to a continuance and the joint request of the parties for a Status Conference, and the Court having considered the papers filed by the parties, together with the balance of the records and files herein, this Court now finds as follows:

The current pretrial motions due date is February 27, 2006 and the current trial date is May 1, 2006. Counsel Suzanne Lee Elliot is active in plea negotiations with the Government, and additional time is needed to further explore settlement options in this case and possibly eliminate the need for a trial. A denial of the requested extensions would unreasonably deny Defendant reasonable time to consult with counsel within the meaning of 18 U.S.C. § 3161(h)(8)(B)(iv). Further, Defendant has filed a speedy trial

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1 waiver through December 31, 2006 indicating his agreement with a continuance. (Dkt. No. 33.) The
2 proposed continuance of the trial does not appear to prejudice any party. The Court finds that failure to
3 grant the requested continuance likely would result in a miscarriage of justice. The Court further finds
4 that the interests of the public and the Defendant in a speedy trial in this case are outweighed by the ends
5 of justice, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

6 Accordingly, IT IS HEREBY ORDERED that the pre-trial motions cut-off date shall be extended
7 to August 21, 2006, with a new trial date of October 23, 2006. The time between the date of this Order
8 and the new trial date shall be excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§
9 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

10 The Court finds a Status Conference unnecessary at this time and DENIES the parties' joint
11 motion therefor. The Court further declines to enter a scheduling order in this matter.

12 SO ORDERED this 6th day of April, 2006.

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John C. Coughenour

United States District Judge